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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,646	09/15/2003	Meng Shi	117148	8013

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,646	SHI, MENG	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on November 16, 2006.

Claims 1-6 have been amended. No claims have been canceled. No claims have been added. Therefore, claims 1-6 are presented for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. In claims 1 and 4, the applicants wrote "wherein the next service is not performed by the next cooperative processing apparatus after the next cooperative processing apparatus receives the cooperation information, the sending and receiving unit a copy of the cooperation information to a substitute cooperative processing apparatus capable of performing a substitute service for the next service". (emphasized added). The examiner cannot find any support for this limitation. The examiner considers the "not performed" as a negative limitation. According to MPEP2173.05 (i), "Any negative

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limitation or exclusionary proviso must have basis in the original disclosure". Since the applicants does not positively describe that the next service is not performed by the next cooperative processing apparatus, the examiner consider the limitation "not performed" as a new matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroda, U.S. Patent No. 6,804,020 (hereinafter Kuroda).

7. With respect to claims 1 and 4, Kuroda teaches a cooperative processing apparatus [i.e. cooperating device **301**, see abstract and figs.1-3] comprising:

- a sending and receiving unit [i.e. to cause cooperating operation with other devices connected to the LAN **212** of fig.2] for sending and receiving cooperation information to be used for executing a flow of services on document data in a cooperative manner and a processing result of a service

to and from other cooperative processing apparatus [i.e. external cooperating device, col.62-65] [col.6, Ins.50-61 and col.7, Ins.25-55];

- a service processing unit for performing a prescribed service on the basis of the cooperation information [i.e. parameters for cooperation of fig.5 and fig.9]; and
- a control unit [i.e. cooperating means, col.12, Ins.51-67] for performing:
 - a first control of controlling, when receiving cooperation information, the service processing unit so that it performs the service on the basis of the cooperation information [col.7, Ins.25-43];
 - a second control of sending, to a transmission source apparatus of the cooperation information, a processing result indicating whether the service processing unit has performed the service normally or abnormally [i.e. determination as to whether or not cooperation is possible, S608 and col.8, Ins.1-2 and notification of cause of trouble upon cooperation such as "OK" or "NG", 902 of fig.19 and col.11, Ins.46-64], and, if the service processing unit has performed the service normally [i.e. when cooperation is possible, col.8, Ins.4-7], copying the cooperation information and controlling the sending and receiving unit so that it sends one piece of cooperation information to a cooperative processing apparatus that is to perform a next service on the basis of the cooperation information [i.e. when cooperation is

possible, a determination is again made as to all-store or sheet-by-sheet, step S609, col.8, lns.4-11];

- a third control of controlling the sending and receiving unit so that it sends the other piece of cooperation information to a cooperative processing apparatus capable of performing a substitute service [i.e. another attempt] for the next service [i.e. when the printer failed to complete proper printing, another attempt is made to perform printing, col.8, lns.12-28] when an abnormality has occurred in the cooperative processing apparatus in performing the next service after receiving the cooperation information [i.e. when the external cooperating device fails to receive image data, col.8, lns.12-13].

8. With respect to claims 2 and 5, Kuroda further teaches wherein in the third control the control unit judges that an abnormality has occurred in the cooperative processing apparatus in performing the next service after receiving the cooperation information [i.e. after the step cooperation permitted, **S608**] if a processing result of the next service received from the cooperative processing apparatus for performing the next service indicates occurrence of an abnormality [i.e. when the printer failed to complete proper printing, another attempt is made to perform printing, col.8, lns.12-28] or if no processing result of the next service is received in a prescribed period of time from the cooperative processing apparatus for performing the next service.

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9. With respect to claims 3 and 6, Kuroda further teaches wherein in the third control the control unit suspends the flow and controls [i.e. disconnect] the sending and receiving unit so that it sends a processing result indicating occurrence of an abnormality to a cooperative processing apparatus that sent the cooperative information first if no processing result of the next service [i.e. when cooperation is impossible, a notice to that effect is given, and waiting for disconnection, step **S704**] or the substitute service for the next service is received within a predetermined processing period of time or if there exists no cooperative processing apparatus capable of performing a substitute service for the next service.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151

March 20, 2007



ZARNI MAUNG
PATENT EXAMINER